

STATE OF LOUISIANA
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
CORRECTIONS SERVICES

Policy :
No. C.4.5

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FIELD OPERATIONS
Juvenile Institutions
Cell Restriction

1. **AUTHORITY:** Secretary of the Department of Public Safety and Corrections as contained in Chapter 9 of Title 36.
2. **REFERENCES:** Department Regulation No. B-05-002 "Disciplinary Rules and Procedures for Juvenile Offenders First Edition, 1993" and ACA Standards 3-JTS-3E-01, 3-JTS-02, 3-JTS-04 and 3-JTS-05 (Juvenile Training Schools.)
3. **PURPOSE:** To provide guidance regarding the use of cell restriction.
4. **APPLICABILITY:** Assistant Secretary/Office of Youth Development, Wardens of Juvenile institutions, and applicable staff of juvenile institutions. It is the Warden's responsibility to ensure that all necessary procedures are in place to comply with the provisions of this regulation.
5. **DEFINITIONS:**
 - A. Cell Restriction: Locking an offender in a cell for the purpose of separation from the population for behavior- or protection-related reasons. Cell restriction includes:
 - 1) Administrative Segregation: temporary assignment of an offender from general population to a cell when his continued presence in the general population poses a threat to self, staff or other offenders or when his activities are destabilizing or highly disruptive to programming.
 - 2) Programming: includes any regularly scheduled activity provided to an offender out of his cell from the time lights are turned on in the morning until lights are turned off at night in accordance with the unit's posted daily schedule.
 - 3) Protective Custody: temporary assignment to a cell generally made at the offender's request or as originated by staff. Assignment cannot exceed 24 hours without case management review unless justified for security reasons.

- 4) Removal From Regular Programming: removal of an offender, who is permanently assigned to a cellblock, from programming and placement into his cell for that period of time needed for the offender to regain control of his behavior on a sustained basis. An offender can only be removed from programming for the behaviors described in Section 9.A.3) of this regulation.
 - B. Serious Mental Illness (SMI): serious mental illness includes disorders of mood and cognition (with the exception of mental retardation) that significantly interfere with functioning in at least one essential sphere of the offender's life, e.g.: psychotic disorders; mood disorders; the aggressively mentally-ill; and offenders who exhibit self-mutilating or suicidal behavior.
 - C. Mental Retardation (MR): mental retardation refers to significant sub-average intellectual functioning with an Intelligence Quotient (IQ) of 70 or below with concurrent deficits or impairments in present adaptive functioning in at least two of the following areas: communication; self-care; home living; social/interpersonal skills; use of community resources; self-direction; functional academic skills; work; leisure; health and safety; with onset before age eighteen.
 - D. Mental Health Treatment Provider (MHTP)/Qualified Mental Health Professional (QMHP): includes psychiatrists, psychologists, social workers, nurses, and others who by virtue of their education, credentials, experience or with appropriate supervision, are permitted by law to evaluate and care for the mental health needs of patients.
 - E. Protection Review Board: case management review board composed of at least two members each representing a different discipline (security, administration, treatment or social services). Members may be composed from the same staff assigned to the Disciplinary Board. Assignments shall be governed by the same guidelines as the Disciplinary Board.
6. **POLICY**: It is the Secretary's policy that cell restriction occur only in the following three instances: 1) administrative segregation; 2) protective custody; and 3) removal from regular programming.

Cell restriction shall not be used as a disciplinary penalty and shall be governed by the requirements set forth in this regulation.

7. ADMINISTRATIVE SEGREGATION:

A. Restrictions

- 1) Offenders may be placed in administrative segregation pending a disciplinary hearing when their continued presence in general population poses a threat to the safety of the offender, staff or other offenders or is a threat to the security of the institution. This includes activities that are destabilizing or highly disruptive to programming.

Placement in administrative segregation pending investigation of an incident, transfer to another institution or reassignment within an institution must meet the criteria outlined above.

- 2) Offenders shall not be held in administrative segregation for engaging in suicidal or self-mutilating behavior resulting from their conditions. This does not preclude the use of a cell on the administrative segregation unit for the purpose of a suicide watch in the event that no cell is available in the infirmary.

B. Authorization

A ranking security supervisor (Corrections Lieutenant or higher) may place an offender in administrative segregation. The ranking security supervisor placing the offender in administrative segregation will obtain the approval of the Warden or the Warden's designee (Corrections Captain or higher) as soon as possible.

C. Observations

- 1) Staff shall make visual contact with each offender in administrative segregation at least every 15 minutes (or more, depending upon the offender's emotional state) and otherwise monitor the condition of each offender.
- 2) Essential information and interim behavior documentation on each offender shall be recorded on the Administrative Segregation Placement and Release Report (see attached form.)
- 3) Staff shall alert mental health personnel in accordance with the guidelines set forth in Section 7.H if an offender exhibits symptoms of deterioration in emotional state while in administrative segregation.

D. Disciplinary Hearings

Disciplinary hearings will be held every day for offenders in administrative segregation. An offender's disciplinary hearing must be held within 24 hours of his placement in administrative segregation or at the first scheduled hearing after his disciplinary writeup. On weekends and holidays, hearings will be chaired by the Duty Officer. Duty Officers must receive the appropriate training and approval prior to conducting hearings. (See Department Regulation No. B-05-002, "Disciplinary Rules and Procedures for Juvenile Offenders" for additional information.)

E. Duration of Cell Restriction

An offender in administrative segregation may be restricted to a cell until he demonstrates sustained control of his behavior. Staff shall make all efforts to assist an offender in cell restriction to regain control of his behavior.

F. Program Participation and Removal from Programming

- 1) An offender in administrative segregation who participates in programming may be removed from programming only if he engages in the behaviors listed in Section 9.A.3.
- 2) Corrections Captain(s) or higher level security personnel will make rounds each morning prior to school, before school begins for the afternoon and before evening activities commence and review documentation on offenders in cell restriction on the administrative segregation unit to determine whether the offender can be returned to programming.

If an offender in cell restriction is calm but the staff member making rounds believes that the offender will likely be disruptive in programming based upon documented interim behavior, the offender may be excluded from programming. The exclusion will be documented by the staff member on the Removal From Programming Report (see attached.)

- 3) If an offender's stay in cell restriction on the administrative segregation unit exceeds 24 hours due to the investigation of a serious incident, the offender will be permitted to participate in the 7 ½ hour programming schedule unless he is a danger to others. The 7 ½ hours minimum daily time out of cell shall occur regardless of whether there is any planned or scheduled programming available to the offender.

- 4) Any denial of one hour of outdoor exercise, unless contra-indicated for medical reasons, must be approved by the Warden, Deputy Warden, Assistant Warden or the Warden's designee (Corrections Captain or higher) and documented in accordance with unit procedure.

G. Provision of Reading and Writing Materials

An offender in cell restriction on the administrative segregation unit will be routinely provided with reading and writing materials unless his current behavior indicates that possession of such materials would be a danger to himself or others.

H. Considerations for Offenders with Serious Mental Illness or Mental Retardation

- 1) Offenders with serious mental illness or mental retardation must be assessed and treatment rendered if clinically indicated within three hours of being placed in administrative segregation (if the offender remains in administrative segregation for that period of time.) The assessment will be conducted by a MHTP/QMHP when one is on-site at the facility.

When a MHTP/QMHP is not on-site, the nurse will be notified immediately. The nurse will perform the assessment and contact the on-call MHTP/QMHP via telephone. If indicated, the on-call MHTP/QMHP will go to the institution for a face-to-face assessment and, if deemed necessary by the MHTP/QMHP, confer with the psychiatrist on-call.

- 2) Based upon the assessment, clinically indicated treatment will be rendered.

8. PROTECTIVE CUSTODY:

- A. Protective custody is intended as a temporary housing measure in order to allow time for investigation and/or counseling to determine the factors which resulted in the offender's placement. An offender's assignment to protective custody must end when a safe and appropriate housing assignment is available.
- B. Offenders may express a protection concern by completing a Request for Protective Custody (see attached form). The form shall be witnessed by the staff member who provides the form and witnesses the offender's signature. The form will then be forwarded to the highest ranking security supervisor (Corrections Captain or higher), who shall review the request and determine if the offender should be placed in protective custody until a due process hearing can be conducted by the Protection Review Board.

Frivolous requests or requests which have no merit may be denied. Should there be any doubt whatsoever as to the legitimacy of the request, the offender will be placed in protective custody pending further review.

All Request for Protective Custody forms which result in actual placement shall be submitted to the Warden or designee by the end of the tour of duty.

- C. Offenders may also be placed in protective custody when staff members determine that the offender may be in need of protection and he refuses to make the request for protective custody on his own.
- D. All protective custody requests must be heard by the Protection Review Board within 24 hours of placement. The Protection Review Board shall be composed of at least two members each representing a different discipline (security, administration, mental health, treatment or social services). Mental Health staff members should sit on the Protection Review Board as a third member, if available. In the event mental health staff are not available to participate, staff must submit a written report to the Protection Review Board outlining the results of daily mental health contacts with the offender along with any recommendations or other information which may be used by the board to reach a decision regarding the disposition of the request.
- E. The disposition of the Protection Review Board shall be recorded on audio tape and documented on the Request for Protective Custody form. The tapes will be kept indefinitely.
- F. Offenders shall be removed from protective custody as expeditiously as possible. All possible steps will be taken to place offenders in safe and appropriate housing as soon as housing is available. Offenders who remain on protective custody more than 72 hours following initial placement shall appear before the Protection Review Board and every 72 hours thereafter for additional review and assessment.
- G. Instances in which suitable housing becomes available and a determination has been made that the offender may return to the general population and he refuses to do so should be handled through the disciplinary process.
- H. Offenders in protective custody shall be seen at least once each day by a MHTP/QMHP and shall be clinically assessed and treated as deemed appropriate. On weekends, these functions may be performed by registered nurse with mental health training.
- I. An offender in protective custody shall be permitted to be out of his cell for at least nine hours a day and participate in programming each day unless he has been removed from programming for engaging in any of the behaviors listed in Section 9 A.3).

9. REMOVAL FROM REGULAR PROGRAMMING (for offenders assigned to cellblock housing):

A. Program Participation and Removal from Programming

- 1) An offender who is housed in a cellblock may be removed from programming and placed in his assigned cell in accordance with Section 9.A.3) and shall have opportunities to rejoin programming in accordance with Section 9.B.2).
- 2) The daily time out of cells for offenders who have not been removed from programming shall be a minimum of nine hours and shall occur regardless of whether there is any planned or scheduled programming available to the offender.
- 3) Program participation may be ended only if the offender engages in:
 - a. Repeated failure to follow orders, where the failure to comply is destabilizing;
 - b. Repeated interference with staff or other offenders' duties;
 - c. Improper sexual behaviors;
 - d. Fighting;
 - e. Substantial destruction of property; or
 - f. Violent conduct that creates imminent danger to other offenders or staff.

B. Authorizations

- 1) The decision to remove an offender from programming shall be made by a Corrections Lieutenant or higher level security personnel and documented on the Removal From Programming Report (see attached form.)
- 2) If an offender is removed from programming before noon, he shall be evaluated by a Corrections Captain or higher level security personnel before evening recreation to determine whether the offender can be permitted to participate in evening recreation. The offender shall be permitted to participate unless the ranking security supervisor determines that based on the interim behavior, the offender is likely to engage in conduct described in Section 9.C.3) and documents the basis for his belief on the appropriate form maintained for this purpose. However, every offender shall be permitted an opportunity to participate in programming at the beginning of each day.

If his behavior warrants, he may again be removed from programming in accordance with Section 9.A.

C. Considerations for Offenders with Serious Mental Illness or Mental Retardation

Offenders with serious mental illness or mental retardation who are permanently assigned to a cellblock and who have been removed from regular programming and placed into their assigned cell shall be assessed and treated, when deemed clinically appropriate, as soon as possible after they have been denied the opportunity to participate in three consecutive opportunities for programming. For example, an offender who is not permitted to participate in afternoon, evening, and the following morning's programming shall be reviewed as soon as possible following denial of the offender's opportunity to participate in the morning programming. Such review shall be in accordance with the protocols established in Section 7.H of this regulation.

10. DOCUMENTATION REQUIREMENTS

- A. The Cell Restriction Daily Tracking Log (see attached form) shall be completed and maintained in order to track placement and release of offenders housed on cell restriction.
- B. All incidents involving the use of cell restriction shall be documented on the appropriate form(s): Removal From Programming Report; Administrative Segregation Placement Report or Release Form; or Protective Custody Placement and Release Report.
- C. Upon an offender's release from cell restriction, the original forms will be forwarded to the appropriate staff for placement into the offender's case file and copies provided to the shift supervisor for his shift packet.
- D. When an offender is placed on cell restriction pending a disciplinary hearing, a copy of the disciplinary report reflecting this action shall be placed in the offender's file. Disciplinary reports with a finding of not guilty shall be pulled from the offender's file and maintained in a separate file in the Legal Programs Office or other location as designated by the Warden.
- E. If an offender is removed from programming for more than 24-hours, a Removal From Programming Report must be completed for each day he does not participate in programming.

- F) The removal from programming report must be completed for offenders in protective custody or permanent cellblock housing who are removed from programming and returned to their cells.

An administrative segregation placement and release report must be completed for any offender in general population who is removed from programming and placed in administrative segregation. If the offender is removed from participation in alternative programming available in administrative segregation, then a removal from programming report must also be completed. The offender's behavior while restricted to his cell need only be documented on one of the two forms.

- G) The following reports shall be completed as appropriate to the incident:

- 1) Administrative Segregation Placement and Release Report;
- 2) Removal From Programming Report;
- 3) Protective Custody Request;
- 4) Protective Custody Placement and Release Report.

11. TRAINING

- A) All appropriate personnel will receive annual training on the contents of this regulation.
- B) On-call nurses shall be trained to recognize the signs and symptoms of mental illness.



Richard C. Stalder
Secretary

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Attachments:

- Administrative Segregation Placement and Release Report (Form 1)
- Supplemental Form 1 Behavior Documentation Form
- Cell Restriction Daily Tracking Log (Form 4)
- Protective Custody Placement and Release Report (Form 5)
- Supplemental Form 5 Behavior Documentation Form
- Request for Protective Custody (Form 2)
- Removal From Programming Report (Form 3)
- Supplemental Form 3 Behavior Documentation Form